

BEFORE THE DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

YEONG PING LIN, M.D.  
Certificate No. A-030517

Respondent.

NO. D-3141

N-22156

DECISION

The attached Proposed Decision of the Medical Quality Review Committee is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on November 1, 1984.

IT IS SO ORDERED October 2, 1984.

DIVISION OF MEDICAL QUALITY  
BOARD OF MEDICAL QUALITY ASSURANCE

  
MILLER MEDEARIS  
Secretary-Treasurer

In the Matter of the Accusation )  
 )  
 Against: )  
 )  
 YEONG PING LIN, M.D. )  
 2700 East 14th Street, Suite 11 )  
 Oakland, California 94601 )  
 License No. A-030517 )  
 )  
 Respondent. )  
 )

N 22156

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## II

On October 12, 1976 physician and surgeon certificate No. A 30517 was issued by the Board to Yeong Ping Lin, M.D. ("respondent"). Respondent's certificate is in good standing.

## III

From July 1979 through and including November 1980, respondent undertook to examine, prognose, diagnose, care for, x-ray, treat and follow patient A.G., a sixty year old male. From early August 1979 through November 1980, patient A.G. repeatedly complained of constipation and rectal bleeding.

A barium enema study done on August 3, 1979 noted that the possibility of a polypoid lesion could not be excluded and advised an endoscopy of the rectum and lower sigmoid "...particularly if there is further bleeding or persistent constipation."

A barium enema study done on April 8, 1980 concluded that "there is an abnormality thought to be present in the rectum as noted with a rather large filling defect thought to be present as described. Direct visualization may be helpful in further evaluating this area."

## IV

It is found that despite patient A.G.'s symptoms and repeated complaints, despite the findings and recommendations of the barium enema studies, and despite the fact that he had ample and sufficient opportunity to do so, respondent failed to perform or recommend the performance of an endoscopic examination to rule out or diagnose rectal carcinoma until A.G.'s hospitalization on November 20, 1980, when the diagnosis of rectal carcinoma was made. More particularly, it is found that prior to November 1980 respondent never made any referrals of A.G. to Dr. Tan, a gastroenterologist, for endoscopy.

## V

It is found that respondent's failure to make any recommendations to A.G. that he should have an endoscopic examination performed constitutes an extreme departure from the standard of medical care. Respondent's conduct in this regard does not, however, demonstrate incompetence.

## VI

Respondent graduated from medical school in Taiwan in 1966 and completed three years of residency in obstetrics and gynecology in that country before coming to the United States in June 1970. Respondent undertook an internship at

Cook County Hospital, Chicago, a family practice residency at Good Samaritan Hospital in Pottsville, Pennsylvania and an internal medicine residency at St. Elizabeth Hospital in Elizabeth, New Jersey. He practiced for one year in Montana and for a few months in El Sobrante before opening his general practice in Oakland in November 1977.

Respondent practices in a depressed socio-economic area and sees primarily Medi-Cal patients. In 1979-1980 respondent was seeing ten to twenty-five patients daily.

#### DETERMINATION OF ISSUES

##### I

Cause for disciplinary action against respondent exists pursuant to Business and Professions Code section 2234(b) (Gross negligence).

##### II

No cause for disciplinary action against respondent exists pursuant to Business and Professions Code section 2234(d) (Incompetence).

#### ORDER

Certificate No. A 30517 issued to respondent Yeong Ping Lin, M.D., is revoked. However, the revocation is stayed and respondent is placed on probation for five (5) years upon the following terms and conditions:

- a) Within ninety (90) days of the effective date of this decision respondent shall submit to the Division of Medical Quality for its prior approval an educational program or course related to general internal medicine, which shall not be less than eighty (80) hours. This program shall be in addition to the Continuing Medical Education requirement for relicensure.
- b) Upon completion of the education course required above, respondent shall take and pass an oral clinical examination to be administered by the Division or its designee. If respondent fails this examination, respondent must wait three months between

reexaminations, except that after three failures respondent must wait one year to take each necessary reexamination thereafter. The Division shall pay the cost of the first examination and respondent shall pay the cost of any subsequent examinations.

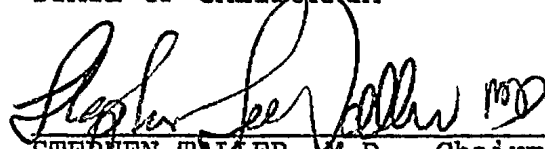
If respondent fails to take and pass this examination by the end of the first year of probation, respondent shall cease the practice of medicine until this examination has been successfully passed and respondent has been so notified by the Division in writing.

- c) Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.
- d) Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all conditions of probation.
- e) Respondent shall comply with the Division's probation surveillance program.
- f) Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.
- g) In the event respondent should leave California to reside or to practice outside the State, he must notify in writing the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.
- h) Upon successful completion of probation, respondent's certificate will be fully restored.
- i) If respondent violates probation in any respect, the Division, after giving respondent notice and opportunity to be heard, may revoke

probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

DATED: August 9, 1984

BOARD OF MEDICAL QUALITY ASSURANCE  
DIVISION OF MEDICAL QUALITY  
STATE OF CALIFORNIA

A handwritten signature in dark ink, appearing to read "Stephen Teller M.D.", is written over a horizontal line.

STEPHEN TELLER, M.D., Chairman  
Panel of Fifth District Medical  
Quality Review Committee

ST:MCC:lhj

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California

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San Francisco, California 94102  
4 Telephone: (415) 557-0752

5 Attorneys for Complainant

6  
7 BEFORE THE  
DIVISION OF MEDICAL QUALITY  
8 BOARD OF MEDICAL QUALITY ASSURANCE  
STATE OF CALIFORNIA  
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10  
11 In the Matter of the Accusation )  
12 Against: ) No. D-3141  
13 YEONG PING LIN, M.D. ) ACCUSATION  
2700 East 14th Street, Suite 11 )  
14 Oakland, California 94601 )  
License No. A-030517 )  
15 Respondent. )  
16

17 Comes now, KENNETH WAGSTAFF, who charges and alleges  
18 as follows:

19 1. That he is the Executive Director of the Board of  
20 Medical Quality Assurance (hereinafter referred to as "Board")  
21 and makes these charges and allegations in his official  
22 capacity as such. All section references are to the Business  
23 and Professions Code unless otherwise noted.

24 2. That on October 12, 1976 Certificate No. A-30517  
25 was issued by the Board to Yeong Ping Lin, M.D. (hereinafter  
26 referred to as "respondent").

27 //

1           3. That from July, 1979 through and including  
2 November, 1980 respondent undertook to examine, prognose,  
3 diagnose, care for, x-ray, treat and follow patient A.G.,  
4 a sixty year old male. Respondent was grossly negligent and  
5 incompetent in his treatment, examination, care and diagnosis  
6 of this patient in that:

7           (1) this patient repeatedly complained of  
8 constipation and/or rectal bleeding from July, 1979  
9 through November 1980;

10           (2) a barium enema study done on August 3, 1979  
11 noted that the possibility of a polypoid lesion could not  
12 be excluded, and advised an endoscopy of the rectum and lower  
13 sigmoid ". . . particularly if there is further bleeding or  
14 persistent constipation."

15           (3) a barium enema study done on April 8, 1980  
16 concluded that "there is an abnormality thought to be present  
17 in the rectum as noted with a rather large filling defect  
18 thought to be present as described. Direct visualization may  
19 be helpful in further evaluating this area."

20           4. Despite the patient's symptoms and complaints,  
21 and despite the findings and recommendations of the barium  
22 enema studies, respondent failed to perform an endoscopic  
23 examination to rule out or to diagnose rectal carcinoma, until  
24 hospitalization on November 20, 1980, when the diagnosis of  
25 rectal carcinoma was made.


26           5. The conduct alleged in paragraphs 3 and 4  
27 constitutes gross negligence and incompetence under sections



1 2234(b) and 2234(d). Grounds for disciplinary action are stated  
2 under those sections.

3 WHEREFORE, complainant prays that a hearing be held  
4 and respondent's license be suspended or revoked or such other  
5 action be taken as may be deemed proper.

6  
7 DATED: December 13, 1983

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10 KENNETH WAGSTAFF  
11 Executive Director  
12 Division of Medical Quality  
13 Board of Medical Quality Assurance  
14 State of California

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27 Complainant

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STATE OF CALIFORNIA  
STD 113 (REV. 9-72)

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